

## DEPARTMENT OF FINANCE BILL ANALYSIS

**AMENDMENT DATE:** May 23, 2008  
**POSITION:** Neutral

**BILL NUMBER:** AB 2784  
**AUTHOR:** M. Feuer  
**RELATED BILLS:** SB 1190, SB 1361,  
SB 1388

### **BILL SUMMARY:** Vehicle DUI Ignition Interlock

This bill would allow a person convicted of a first driving under the influence (DUI) violation to obtain an unrestricted driver's license if the person installs and maintains a certified ignition interlock device (IID). This bill would also allow a driver with two or more DUI convictions to obtain a restricted license sooner if the driver installs an IID.

### **FISCAL SUMMARY**

The Department of Motor Vehicles (DMV) estimates costs of \$200,000 to \$300,000 to develop an automated system to implement the bill. Once DMV is able to implement an automated process, on-going costs are estimated at \$154,000 annually. We do note, however, that DMV indicates that initial costs are likely to be higher while DMV implements the program manually pending completion of its automated system. The bill contains provision for reimbursement of administrative costs and license reissuance fees.

### **SUMMARY OF CHANGES**

Amendments to this bill since our analysis of the May 23, 2008 version include the following significant amendments which do change our position:

- The bill would allow, rather than require, the installation of an IID in order for a driver to be reissued a license, receive a restricted license, or receive a reinstated license.
- The bill would continue IID administration under the current court-ordered system rather than transfer regulatory authority for the administration of mandatory IID laws to DMV.

### **COMMENTS**

Finance is neutral because it would provide incentives for DUI offenders to install IIDs, which should improve highway safety.

We note, however, that the California Highway Patrol (CHP) has withdrawn its sponsorship of the bill based on the recent amendments. CHP supports the the mandatory requirement for installation of an IID and DMV administration of this mandatory requirement contained in the prior version of the bill. Continuing the discretionary court-ordered system may have a limited effect on the number of IIDs installed.

Analyst/Principal (0744) J. Gregg	Date	Program Budget Manager Mark Hill	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
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<b>BILL ANALYSIS</b>	Form DF-43 (Rev 03/95 Buff)
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M. Feuer

May 23, 2008

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**ANALYSIS**

**A. Programmatic Analysis**

**Existing law** provides that it is unlawful for any person to drive while under the influence of alcohol or drugs or to drive with a blood alcohol content (BAC) of 0.08 percent or more. These violations are commonly referred to as DUI. Existing law establishes a scheme of penalties that include fines, incarceration, license suspensions, and treatment programs. Under certain circumstances, a person with a suspended license may apply for a restricted license, including the following:

- First time offenders are subject to 6 month license suspension, except that offenders with high BAC (.20 percent) are subject to a 10 month suspension. First time offenders may apply for a restricted license upon proof of enrollment in an alcohol or drug treatment program.
- Second and third time offenders are subject to two year and three year suspensions, but may apply for a restricted license after 12 months if enrolled in required treatment programs and upon installation of IIDs.
- DMV is required to provide notice to second and third time offenders of the period of suspension and when the driver is eligible to apply for a restricted license.

**This bill would:**

- Allow a first time offender with a suspended license to obtain a license unrestricted to when and where the person may drive provided the person installs and maintains an IID.
- Allow a second-time DUI offender to obtain a restricted license after 90 days of a suspension period provided the person installs and maintains an IID.
- Allow a third time DUI offender to obtain a restricted license after six months of a suspension period provided the person installs and maintains an IID.

The bill has a delayed implementation date of January 1, 2009.

**Related Legislation:**

SB 1190 (Oropeza) lowers the BAC required for the court to place heightened consideration in determining whether to order an IID from 0.20% BAC to 0.15% BAC.

SB 1361 (Correa) is identical to this bill.

SB 1388 (Torlakson) requires that a person immediately install a certified IID on all vehicles he or she owns or operates for a period of one year when he or she has been convicted of violating specified provisions relating to DUI and driving a motor vehicle when his or her license has been suspended or revoked as a result of a DUI-related conviction.

**Discussion:** According to the author's office, IIDs are an effective method of preventing a person convicted of DUI from reoffending because the device prevents a person with any measurable blood alcohol content from driving the vehicle that has the device installed.

Although this bill seeks to provide an incentive to drivers convicted of DUI by allowing persons to regain their driving privileges sooner if an IID device is installed, it continues to make IID installation optional. CHP supports the original version of the bill, which would have required all DUI offenders to install an IID in order to be reissued a license or receive a restricted or reinstated license. CHP notes that effective utilization of IIDs can reduce recidivism by 40 to 95 percent.

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		SO	(Fiscal Impact by Fiscal Year)							
Code/Department		LA	(Dollars in Thousands)							
Agency or Revenue		CO	PROP							Fund
Type		RV	98	FC	2008-2009	FC	2009-2010	FC	2010-2011	Code
2740/DMV		SO	No	C	\$200 - 300	C	\$154	C	\$154	0044
<u>Fund Code</u>	<u>Title</u>									
0044	Motor Vehicle Account, STF									